

Prob 12B
(rev. 09/21)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Shane Smith

Case Number: 0206 1:21CR00117-001

Name of Sentencing Judicial Officer: Honorable Mae A. D'Agostino, U.S. District Judge

Date of Original Sentence: December 1, 2021

Original Offense: Possession of Ammunition by a Prohibited Person; Unlawful Possession of Short Barreled Rifles

Original Sentence: 41 months imprisonment; 3 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: Anticipated 7/26/24

PETITIONING THE COURT

- ☐ To extend the term of supervision for Term Extension years, for a total of Total Term years.
- ☒ To modify the conditions of supervision as follows:

ADD:

You shall reside for a period of up to one (1) month in a residential reentry center or other suitable facility and shall observe the rules of that facility.

CAUSE

The defendant is agreeable with this modification and has signed Probation Form 49, Waiver of Hearing to Modify Conditions. If the Court agrees with this proposed modification, Probation Form 12B and Probation form 49 will need to be filed with the Clerk's Office.

The defendant is currently in BOP custody, with an anticipated release date of July 26, 2024. The defendant has been serving the remaining months of his BOP term in a residential reentry center in Vermont, where he was anticipated to release. However, on today's date, the probation office was advised by the District of Vermont that they are no longer able to accept his case for supervision, as the individual the defendant was requesting to reside with is now reportedly refusing to remove firearms from the home.

In order to allow the probation office sufficient time in investigating a newly proposed release plan in the Northern District of New York, we are recommending a special condition for an up to one month RRC placement as to

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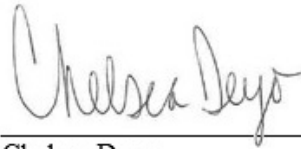
allow the defendant to reside in a structured environment while the proposed plan is investigated. The defendant has consented to this plan.

Approved by:



Dan Casullo
Supervisory U.S. Probation Officer

Submitted by:



Chelsea Deyo
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

July 25, 2024

Date

PROB 49
(Rev. 6/10)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

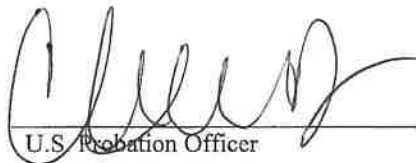
**Waiver of Hearing to Modify Conditions
or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Conditions Type or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

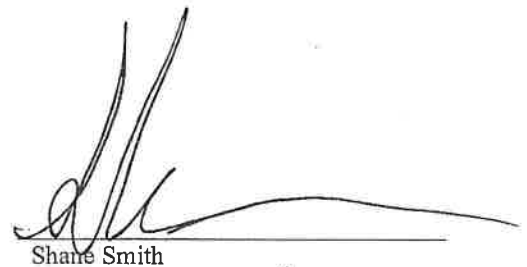
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I agree to the following modification of my conditions or to the proposed extension of my term of supervision.

You shall reside for a period of up to one (1) month in a residential reentry center or other suitable facility and shall observe the rules of that facility.

Witness:


U.S. Probation Officer

Signed:


Shane Smith

Date

7-25-24